

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: KEURIG GREEN MOUNTAIN SINGLE-SERVE  
COFFEE ANTITRUST LITIGATION

CIVIL ACTION NO.: 14 MD 2542 (VSB) (SLC)

**CASE MANAGEMENT SCHEDULING ORDER**

**SARAH L. CAVE**, United States Magistrate Judge.

After consideration of the Parties' proposed schedule at ECF No. 849, and the Court's extension of all discovery in light of Covid-19 (ECF No. 853), discovery shall proceed in this matter as follows:

1. The Preliminary Case Management Plan and Scheduling Orders, dated November 14, 2016 (EC F No. 354-1), March 8, 2019 (ECF No. 545), and August 19, 2019 (ECF No. 668), shall remain in force and effect, except as provided herein.
2. Fact Discovery:
  - a. All fact discovery of parties (including depositions of party fact witnesses) shall be completed by **May 20, 2020**.
  - b. All motions to compel discovery, except in extraordinary circumstances, shall be filed by **May 13, 2020**.
  - c. All fact discovery of non-parties (including depositions of non-party fact witnesses) shall be completed by **June 17, 2020**. The parties shall cooperate in scheduling non-party depositions, including by identifying dates acceptable to both sides before confirming such a date with the deponent. If either side wishes to attend a deposition solely by video and provides the noticing party with at least three days' notice, the noticing party will provide video conferencing capabilities.
  - d. Contention Interrogatories and Requests for Admission shall be served no later than **July 13, 2020**.
  - e. Keurig must complete the reproduction of its transactional data, including transactional data for 2018-2019 data, by **April 20, 2020**.

- f. TreeHouse, JBR, and McLane shall produce their transactional data for 2018 and 2019 by **April 20, 2020**.
  - g. The parties must meet and confer on any questions concerning Keurig's reproduced data and submit a joint letter to the Court listing any outstanding data disputes to be resolved by the Court by **April 30, 2020**.
  - h. All motions for spoliation and sanctions relating to known conduct to such date shall be filed by **April 19, 2021**.
3. Expert Discovery
- a. All expert discovery shall be completed by **February 22, 2021**.
  - b. The deadline for parties to disclose the identity of any expert witnesses under Fed. R. Civ. P. 26(a)(2) is **July 1, 2020**. Parties may designate rebuttal expert witnesses consistent with Fed. R. Civ. P. 26(a)(2)(D)(ii) by **July 31, 2020**.
  - c. Any Plaintiff or Counterclaim-Plaintiff that wishes to submit a report from an expert witness must submit that report, as required by Fed. R. Civ. P. 26(a)(2)(B), by **August 28, 2020**.
  - d. Any Defendant or Counterclaim-Defendant that wishes to submit a report from an expert witness must submit that report as required by Fed. R. Civ. P. 26(a)(2)(B) by **November 23, 2020**.
  - e. Any Plaintiff or Counterclaim-Plaintiff seeking to submit a response to any report submitted by Defendant or Counterclaim-Defendant on behalf of its expert witness must submit that report by **January 11, 2021**.
  - f. Depositions of expert witnesses shall be completed by **February 22, 2021**. The Parties shall cooperate to schedule depositions during the months of December and January.
  - g. Except by leave of court, each expert witness may be deposed only once.
4. By **March 15, 2021**, the parties are to submit a joint letter updating the Court on the status of the case, including but not limited to whether any party intends to file a dispositive motion and what efforts the parties have made to settle the action.

## 5. Class Certification

- a. Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs (together, “Class Plaintiffs”) shall file and serve their motions for class certification by **March 22, 2021**.
- b. Defendants shall file and serve their opposition to class certification by **May 17, 2021**.
- c. Class Plaintiffs shall file and serve their replies in support of class certification by **July 19, 2021**.

## 6. Dispositive Motions

- a. All dispositive motions shall be filed and served on **July 19, 2021**. Should any party seek to file a dispositive motion prior to this date, that party must first meet and confer in good faith with the opposing party to determine whether that issue is appropriately ripe for a dispositive motion. If the Court determines that the issue is appropriately ripe, it will set a briefing schedule thereafter.
- b. If the parties are unable to resolve the ripeness issues through meet and confer, the party seeking to file an early dispositive motion shall file a letter brief on the ripeness issue with the Court.
- c. Opposition to dispositive motions shall be filed by **August 30, 2021**.
- d. Replies to dispositive motions shall be filed by **October 11, 2021**.

## 7. Daubert Motions

- a. All Daubert motions relating to Defendant’s class certification experts shall be filed by **March 22, 2021**.
- b. All oppositions to Daubert motions relating to Defendant’s class certification experts, and all Daubert motions relating to Class Plaintiffs’ class certification experts, including as to any non-class issues on which such experts opine, shall be filed by **May 17, 2021**.
- c. All oppositions to Daubert motions relating to Class Plaintiffs’ class certification experts, including as to any non-class issues on which such experts opine, shall be filed by **July 19, 2021**.
- d. All Daubert motions relating to experts not opining on class certification issues shall be filed by **July 19, 2021**.

- e. All oppositions to Daubert motions relating to experts not opining on class certification issues shall be filed by **August 30, 2021**.
  - f. All replies to Daubert motions relating to experts not opining on class certification issues shall be filed by **October 11, 2021**.
  - g. Except by leave of court, each expert witness shall be subject to only one Daubert motion.
8. The stipulation and entry of this Case Management Plan and Scheduling Order, and the dates provided herein, are without prejudice to any party's right to seek permission from the Court for modification of the schedule following the disclosure of expert witnesses. After disclosure of expert witnesses, and no later than **August 28, 2020**, the parties shall meet and confer in good faith regarding whether any modifications to the schedule herein are appropriate.
9. Unless otherwise ordered by the Court, the joint pretrial order and additional submissions required by Rule 6 of Judge Broderick's Individual Rules and Practices shall be due **July 19, 2021**, or if any dispositive motion is filed, 30 days from the Court's decision on such motion. This case shall be trial ready 60 days from the close of discovery or from the Court's decision on any dispositive motion.
10. Counsel for the parties have not proposed an alternative dispute resolution for this case.
11. The length of any trial is yet to be determined.
12. The entry of this Case Management Plan and Scheduling Order, and the dates provided herein, are without prejudice to Plaintiffs' and Counterclaim-Plaintiff's right to seek leave of Court to update their damages calculations to the time of trial.
13. Each Plaintiff may join any other motion, opposition or reply filed by any other Plaintiff.

Dated: New York, New York  
March 26, 2020

SO ORDERED

  
SARAH L. CAVE  
United States Magistrate Judge